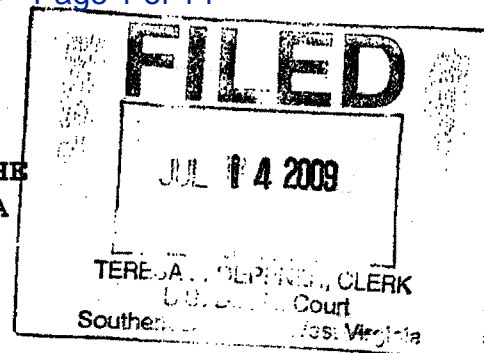


UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY GRAND JURY 2009
JULY 14, 2009 SESSION



UNITED STATES OF AMERICA

v.

CRIMINAL NO.

2:09-00165

18 U.S.C. § 1343
18 U.S.C. § 1341
18 U.S.C. § 1029(a)(2)
18 U.S.C. § 1028A

TAMMY M. ALESHIRE

;

I N D I C T M E N T

The Grand Jury Charges:

COUNTS ONE THROUGH SEVEN

(Wire Fraud)

1. At all relevant times in the indictment, defendant TAMMY M. ALESHIRE resided in South Charleston, Kanawha County, West Virginia and within the Southern District of West Virginia.

The Scheme

2. From on or about December 3, 2007, to on or about May 23, 2008, at or near South Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia and elsewhere, defendant TAMMY M. ALESHIRE did knowingly devise and intend to devise a scheme and artifice 1) to defraud, which involved misrepresentation and concealment of material fact, and 2) to obtain money and property, by means of materially false and fraudulent pretenses, representations and promises.

Manner and Means of the Scheme

3. It was part of the scheme that defendant TAMMY M. ALESHIRE, would and did apply for a Sears/K-Mart Credit Card in Saint Albans on or about December 3, 2007 and in so doing, provided a means of identification (a social security number) belonging to another individual (hereinafter "first known person").

4. It was further a part of the scheme that store personnel then mistakenly identified defendant TAMMY M. ALESHIRE by the name of the first known person after the credit application was approved. Defendant TAMMY M. ALESHIRE then identified herself as the first known person and conducted a series of transactions on this Sears/K-Mart credit card.

5. It was further a part of the scheme that after obtaining the means of identification of the first known person (including the name and social security number), defendant TAMMY M. ALESHIRE would and did apply for additional credit cards by using the means of identification of the first known person.

6. It was further a part of the scheme that defendant TAMMY M. ALESHIRE would apply for credit cards on a computer over the internet, or would travel to the store and apply within the store, which store would then transmit the means of identification over telephone lines or over the internet. At no time did the first known person give permission to defendant TAMMY M. ALESHIRE to use her means of identification to open credit cards.

7. It was further a part of the scheme that defendant TAMMY M. ALESHIRE would and did have the credit cards mailed to the address she provided: 213 Central Avenue, South Charleston, West Virginia.

8. It was further a part of the scheme that when the credit cards were obtained through the mail, defendant TAMMY M. ALESHIRE would and did activate and use the credit cards to buy goods, merchandise and other items of value in Putnam and Kanawha Counties (and elsewhere), resulting in losses of approximately \$17,000 dollars to various people, businesses, banks, and other entities.

Use of Wire Communications

9. On or about the following dates, for the purpose of executing the above-described scheme and artifice to defraud, defendant TAMMY M. ALESHIRE did knowingly transmit and cause to be transmitted by means of wire communication in interstate commerce certain writings, signals, pictures and sounds, that is, the following applications for credit cards and credit transactions themselves from within the Southern District of West Virginia, which applications contained personal identifying information from in the name of the first known person, to places outside the state of West Virginia, which applications resulted in the issuance of credit cards by the following credit card companies and with the following credit card account numbers:

<u>Count</u>	<u>Loc of Trans.</u>	<u>Appx. Date of Transmission</u>	<u>Associated Credit Card</u>
ONE	St. Alb.	Dec. 3, 2007	Citibank card Sears/K-Mart XXXX XXXX XXXX 3488 with the social security number of the first known person.
TWO	So.Chas.	Dec. 20, 2007	G.E. MoneyBank card (WalMart/Discover) XXXX XXXX XXXX 7845 in the name of the first known person.
THREE	Chas.	Jan. 8, 2008	World Financial Network National Bank card ("WFNNB") (Victoria's Secret) XXXX XXX 153 in the name of the first known person.
FOUR	Chas.	Jan. 12, 2008	G.E. MoneyBank card (the Gap) XXXX XXXX XXXX 8122 in the name of the first known person.
FIVE	Chas.	Jan. 12, 2008	Citibank card (The Children's Place) XXXX XXXX XXXX 8950 in the name of the first known person.
SIX	So.Chas.	Jan. 28, 2008	G.E. MoneyBank card (JCPenney) XXXX XXXX XXXX 8653 in the name of the first known person.
SEVEN	So. Chas.	Feb. 10, 2008	American Express card ("AMEX") XXXX XXXXXX 11004 in the name of the first known person

In violation of Title 18, United States Code, Section 1343.

COUNTS EIGHT THROUGH FOURTEEN

(Mail Fraud)

1. The Grand Jury realleges Paragraphs One through Eight of Count One of this Indictment as if fully set forth herein.

2. On or about the date indicated below for each Count, at or near South Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia and elsewhere, for the purpose of executing and attempting to execute the above-described scheme and artifice to defraud, defendant TAMMY M. ALESHIRE knowingly caused a matter and thing to be delivered by the United States Postal Service and/or private mail courier according to the direction thereon, namely, an envelope containing the items specified below for each Count:

<u>Count</u>	<u>Approximate Date of mailing</u>	<u>Item Delivered</u>
EIGHT	Dec. 5, 2007	Citibank Sears/K-Mart card XXXX XXXX XXXX 3488 in the name of the first known person.
NINE	Dec. 29, 2007	G . E . M o n e y B a n k c a r d (WalMart/Discover)XXXX XXXX XXXX 7845 in the name of the first known person.
TEN	Jan. 12, 2008	WFNNB card(Victoria's Secret) XXXX XXX 153 in the name of the first known person.
ELEVEN	Jan. 14, 2008	G.E. MoneyBank card (the Gap) XXXX XXXX XXXX 8122 in the name of the first known person.
TWELVE	Jan. 22, 2008	Citibank card (The Children's Place) XXXX XXXX XXXX 6406 in the name of the first known person.

THIRTEEN Feb. 2, 2008

G.E. MoneyBank card (JC Penny) XXXX
XXXX XXXX 8653 in the name of the
first known person.

FOURTEEN Feb. 12, 2008

AMEX card XXXX XXXXXX 11004 in the
name of the first known person.

In violation of Title 18, United States Code, Section 1341.

COUNT FIFTEEN

(Access Device Fraud)

1. The Grand Jury realleges Paragraphs One through Eight of Count One of this Indictment as if fully set forth herein.

2. From in or about December 3, 2007 through in or about May 23, 2008, at or near South Charleston, and Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia and elsewhere, defendant TAMMY M. ALESHIRE did knowingly and, with the intent to defraud, use and cause the use of one or more unauthorized access devices affecting interstate commerce, and by such conduct obtained things of value aggregating more than \$1,000 within a one year period.

In violation of Title 18, United States Code, Section 1029(a)(2).

COUNT SIXTEEN

(Aggravated Identity Theft)

1. The Grand Jury realleges Paragraphs One through Eight of Count One of this Indictment as if fully set forth herein.

2. On or about December 3, 2007, at or near Saint Albans and South Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TAMMY M. ALESHIRE did knowingly transfer, possess and use, without lawful authority, a means of identification of the first known person, during and in relation to violations of 18 U.S.C. § 1343, that is, wire fraud, to obtain and use a Citibank card (Sears/K-Mart) XXXX XXXX XXXX 3488 in the name of the first known person.

In violation of Title 18, United States Code, Section 1028A.

COUNT SEVENTEEN

(Aggravated Identity Theft)

1. The Grand Jury realleges Paragraphs One through Eight of Count One of this Indictment as if fully set forth herein.

2. On or about December 20, 2007, at or near South Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TAMMY M. ALESHIRE did knowingly transfer, possess and use, without lawful authority, a means of identification of the first known person, during and in relation to violations of 18 U.S.C. §§ 1343 and 1341, that is, wire and mail fraud to obtain and use a G.E. MoneyBank card (WalMart/Discover) XXXX XXXX XXXX 7845 in the name of the first known person.

In violation of Title 18, United States Code, Section 1028A.

COUNT EIGHTEEN

(Aggravated Identity Theft)

1. The Grand Jury realleges Paragraphs One through Eight of Count One of this Indictment as if fully set forth herein.

2. On or about January 8, 2008, at or near South Charleston and Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TAMMY M. ALESHIRE did knowingly transfer, possess and use, without lawful authority, a means of identification of the first known person, during and in relation to violations of 18 U.S.C. §§ 1343 and 1341, that is, wire and mail fraud to obtain and use a WFNNB card (Victoria's Secret) XXXX XXX 153 in the name of the first known person.

In violation of Title 18, United States Code, Section 1028A.

COUNT NINETEEN

(Aggravated Identity Theft)

1. The Grand Jury realleges Paragraphs One through Eight of Count One of this Indictment as if fully set forth herein.

2. On or about January 12, 2008, at or near Charleston and South Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TAMMY M. ALESHIRE did knowingly transfer, possess and use, without lawful authority, a means of identification of the first known person, during and in relation to violations of 18 U.S.C. §§ 1343 and 1341, that is, wire and mail fraud to obtain and use a G.E. MoneyBank card (the Gap) XXXX XXXX XXXX 8122 in the name of the first known person.

In violation of Title 18, United States Code, Section 1028A.

COUNT TWENTY

(Aggravated Identity Theft)

1. The Grand Jury realleges Paragraphs One through Eight of Count One of this Indictment as if fully set forth herein.

2. On or about January 12, 2008, at or near Charleston and South Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TAMMY M. ALESHIRE did knowingly transfer, possess and use, without lawful authority, a means of identification of the first known person, during and in relation to violations of 18 U.S.C. §§ 1343 and 1341, that is, wire and mail fraud to obtain and use a Citibank card (The Children's Place) XXXX XXXX XXXX 8950 in the name of the first known person.

In violation of Title 18, United States Code, Section 1028A.

COUNT TWENTY ONE

(Aggravated Identity Theft)

1. The Grand Jury realleges Paragraphs One through Eight of Count One of this Indictment as if fully set forth herein.

2. On or about January 28, 2008, at or near Charleston and South Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TAMMY M. ALESHIRE did knowingly transfer, possess and use, without lawful authority, a means of identification of the first known person, during and in relation to violations of 18 U.S.C. §§ 1343 and 1341, that is, wire and mail fraud to obtain and use a G.E. MoneyBank card (JCPenney) XXXX XXXX XXXX 8653 in the name of the first known person.

In violation of Title 18, United States Code, Section 1028A.

COUNT TWENTY TWO

(Aggravated Identity Theft)

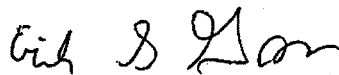
1. The Grand Jury realleges Paragraphs One through Eight of Count One of this Indictment as if fully set forth herein.

2. On or about February 11, 2008, at or near South Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TAMMY M. ALESHIRE did knowingly transfer, possess and use, without lawful authority, a means of identification of the first known person, during and in relation to violations of 18 U.S.C. §§ 1343 and 1341, that is, wire and mail fraud to obtain a AMEX card XXXX XXXXXX 11004 in the name of the first known person.

In violation of Title 18, United States Code, Section 1028A.

CHARLES T. MILLER
United States Attorney

By:



ERIK S. GOES
Assistant United States Attorney